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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,753	12/01/2000	Isao Kawahara	NAKI-BN21	8014
21611	7590	06/04/2004	EXAMINER	
SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			LEWIS, DAVID LEE	
			ART UNIT	PAPER NUMBER
			2673	15

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/701,753

Applicant(s)

KAWAHARA, ISAO

Examiner

David L Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4 and 46-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,46-55,57 and 58 is/are allowed.
- 6) ☒ Claim(s) 2 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. **Claims 4 and 46-55, 57, and 58 are allowed over the prior art of record.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Hirakawa et al. (6097358).**
3. **As in claim 2, Ukai et al. teaches of an image display apparatus, in which one TV field period is divided into a plurality of sub-fields that are each given a different luminance weight and are arranged in ascending or descending order of luminance weight, figure 3, when S denotes a sum of luminance weights of the plurality of sub-fields and R is within a range from 0 to S, figure 3, wherein S equals 80 and R is 1, 9, 27, 3, a gray level corresponding to R is expressed by**

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selecting sub-fields whose luminance weights, when added together, are closest to R, **figure 3, wherein S equals 80 and R is 1, 9, 27, 3**, characterized in that when the plurality of sub-fields are arranged in ascending order of luminance weight with a luminance weight of an "i"th sub-field being denoted by W_i , "n" exists such that $W_1 + W_1 + W_2 + \dots + W_i \dots + W_n < W_{n+1}$, where $1 < n$ and $n+1 < \text{the number of the plurality of subfields}$, **figure 3 and 7, column 4 lines 55-67, column 5 lines 1-5**. Wherein the luminance weights ascend from 1 to 27 and descend from 27 to 3 for the alternative to the strictly ascending or descending case. Further wherein $W_1 = 1$; $W_1 = 1$; $W_2 = 9$; $W_2 = 9$; $W_3 = 27$, as claimed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 2 and 56** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The variable W_i found within the equations found on page 5 line 19, page 6 line 16, page 36 lines 7-14, and page 44 lines 19-22 of the specification does not support

Wi being found to the right of W2 and to the left of Wn. As can be shown at the above sited location the value Wi is found to the far left of the equation, wherein the new placement serves as new subject matter not supported by the specification. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Further the range of values for Wi is not described within the claims language making the inequality/equation indefinite, and therefore further rejected on that basis.

Response to Arguments

5. Applicant's arguments filed 1/26/2004 have been fully considered but they are moot in view of the new grounds for rejection. Claims 4 and 46-55, 57, and 58 are allowed. Claim 2 fails to properly describe the equation variable Wi, and the location of Wi within the equation is not supported by the specification. The Examiner suggests the cancellation of claims 2 and 56 to place the case in condition for full allowance.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L Lewis whose telephone number is 703 306-3026. The examiner can normally be reached on M, T, TH, F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703 305-4938. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

dll

April 13, 2004


BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600